

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re U.S. Patent Application of**

**MUKAIDA et al.**

**Application Number: 10/567,681**

**Filed: February 9, 2006**

**For: POLYPEPTIDE SPECIFIC TO LIVER CANCER,  
POLYNUCLEOTIDE ENCODING THE POLYPEPTIDE  
AND RNA MOLECULE INHIBITING THE  
EXPRESSION OF THE POLYPEPTIDE**

**Attorney Docket No. ORIO.0002**

**Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**LETTER**

Sir:

The below-identified communications are submitted in the above-captioned application or proceeding:

<input type="checkbox"/>	Preliminary Amendment	<input checked="" type="checkbox"/>	Sequence Listing diskette &
<input type="checkbox"/>	Request for Priority		printed copy
<input checked="" type="checkbox"/>	Response to Notification of	<input checked="" type="checkbox"/>	Sequence Listing Statement
	Defective Response	<input type="checkbox"/>	Check for

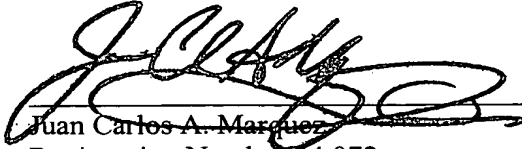
☒ The Commissioner is hereby authorized to charge payment of any fees associated with this communication, including fees under 37 C.F.R. § 1.16 and 1.17 or credit any overpayment to **Deposit Account Number 08-1480**. A duplicate copy of this sheet is attached.

Respectfully submitted,

Stanley P. Fisher  
Registration Number 24,344

**REED SMITH LLP**  
3110 Fairview Park Drive  
Suite 1400  
Falls Church, Virginia 22042  
(703) 641-4200

**October 5, 2007**

  
Juan Carlos A. Marquez  
Registration Number 34,072

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 )  
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**Alexandria, VA 22313-1450**

**RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE**

Upon a review of the Notification of Defective Response mailed October 2, 2007, advising Applicants to correct the sequence listing, Applicants' representative ascertained that the proper sequence listing and diskette were submitted at the time of initial filing of the application on February 9, 2006. Applicants' representative contacted Ms. Anne Corrigan (571-272-2501) on October 3, 2007 by telephone and was told that the initially filed disk was mislabeled as "COPY 1" such that it was treated as a substitute of a hardcopy printout of the sequence listing, although it contained computer readable data. She advised us to re-submit the disk labeled as "CRF", along with updated information and a statement .

The Notice was dated October 2, 2007, the period for response to which is set to expire on November 2, 2007. Applicants hereby submit the nucleotide and/or amino acid sequences, a disk labeled as "CRF," and the statement concurrently filed herewith.

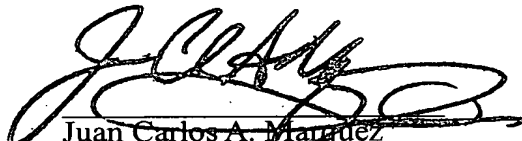
### **REMARKS**

The accompanying sequence listing in computer readable format and the statement under 37 C.F.R. § 1.821(e) and (f), along with the following remarks, are being submitted as a full and complete response to the Notification of Defective Response mailed October 2, 2007. The Examiner is respectfully requested to review the attached sequence listing and statement, to proceed with examination of the application on the merits, and to indicate the allowability of the claims.

Substantive consideration of the claims is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicants' undersigned representative at the address and phone number indicated below.

Respectfully submitted,

\_\_\_\_\_  
Stanley P. Fisher  
Registration Number 24,344

  
\_\_\_\_\_  
Juan Carlos A. Marquez  
Registration Number 34,072

**REED SMITH LLP**  
3110 Fairview Park Drive  
Suite 1400  
Falls Church, Virginia 22042  
(703) 641-4200  
**October 5, 2007**

**SPF/JT**

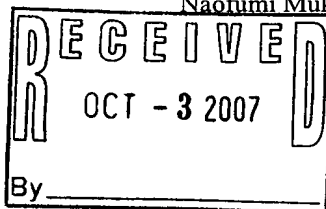


## UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO. 10/567,681	FIRST NAMED APPLICANT Naofumi Mukaida	ATTY. DOCKET NO. 358275.20016
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32256  
 REED SMITH LLP  
 3110 FAIRVIEW PARK DRIVE  
 FALLS CHURCH, VA 22042



INTERNATIONAL APPLICATION NO. PCT/JP04/11669	
I.A. FILING DATE 08/06/2004	PRIORITY DATE 08/11/2003

CONFIRMATION NO. 2886

371 FORMALITIES LETTER



\*OC000000026108310\*

Date Mailed: 10/02/2007

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 02/09/2006
- English Translation of the IA filed on 10/27/2006
- Copy of the International Search Report filed on 02/09/2006
- Preliminary Amendments filed on 07/27/2007
- Information Disclosure Statements filed on 10/27/2006
- Biochemical Sequence Diskette filed on 10/27/2006
- Oath or Declaration filed on 10/27/2006
- U.S. Basic National Fees filed on 02/09/2006
- Priority Documents filed on 02/09/2006
- Specification filed on 10/27/2006
- Claims filed on 10/27/2006
- Abstracts filed on 10/27/2006
- Drawings filed on 10/27/2006

Applicant's response filed 07/24/2007 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 08/28/2006 have not been completed.

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825

(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c) Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823; as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

**Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).**

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/567,681	PCT/JP04/11669	358275.20016